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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,239	03/31/2000	Rick Dedrick	042390.P7956	1914

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EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/540,239

**Applicant(s)**

DEDRICK ET AL.

**Examiner**

Michael Cuff

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Claim Numbering***

1. New claims 27-29 should actually be numbered as claims 29-31 because applicant had already submitted claims 27-28 even though they were non-elected claims.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al.

Schmidt et al. shows all of the limitations of the claims except for specifying selecting goods and the use of a "public key".

Schmidt et al. shows, figures 1 and 6, a system for controlling users access to a distributive network. A local access network or LAN 10 includes a plurality of workstation PCS 12 (connecting from client), a network server 14 such as, by way of example a Novell server, and a distributive network access interface or box 16 such as, by way of example an Instant Internet access system. The network access interface box 16 permits each PC on the LAN to connect to a distributive network 18, such as, by way of example the Internet. In the preferred embodiment of the invention, the software

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for managing the administration system is installed in the server 14 (distribution server).

This stores the information defining each individual user and the groups available for user assignment. The group constraints (access privileges constrained according to client identifier) may be customized on site and on demand, with users (user-client) being capable of being assigned to any of one or more groups at any time by the authorized administrator (manager-client). All of this information is stored and manipulated at the server location (stored on the online distribution server), minimizing the use of access box memory capacity. As shown by the information flow arrows in FIG. 1, a typical user "logs on" to the network 10 in the well known manner by entering his I.D. (client identifier) or password to the server 14 from any one of the plurality of PCS 12 on the LAN network, as indicated by the arrow 19. The server 14 then grants LAN access by properly identifying and authenticating the user, as indicated by the double arrow 20. The server also identifies what group the user is assigned to, as indicated by the arrow 21. An administrator can specify levels of access to the network for each group or user by controlling the specific IP Addresses and Port Numbers (received list of services) for each user and/or user group. This is done by activating the screen depicted in FIG. 6, by clicking on the "Internet Access" box 86 of FIG. 4. Figure 6 shows the steps of adding selected IP addresses (services) to screen list 70 (shopping cart). Still in figure 6, the example shows the modification of assigning access restrictions for the "ADMIN" group (example of a distribution package). The creation of a group based on need is an inherent feature.

Misra et al. teaches a system and method for software licensing where "the license generator digitally signs the license pack and encrypts it with the license server's public key in order to provide a secure transfer of information between the generator and the server.

Based on the teaching of Misra et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Schmidt et al. system such that the administrator's access privileges lists are signed with a public key of the server 14 in order to provide a secure transfer of information between the administrator and the server.

The Schmidt et al. reference selects web site services. The specifying of individual items or goods available on the selected web site services is just an obvious next more detailed step provided in order to allow access to sites with some desirable parts and some undesirable parts. For example, with the Schmidt et al. invention, an employer may not allow access to magazines on the Internet. If given enough interest, it would be obvious further to allow access to business weekly magazine (a specific good), but not a pornographic magazine. As far as the limitation of being available electronically or available through physical shipping, the Internet access described in Schmidt covers these options.

Based on the above discussion, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Schmidt et al. system such that access to specific goods on the Internet could be selected in order to allow access to sites with some desirable parts and some undesirable parts.

***Response to Arguments***

3. Applicant's arguments filed 3/5/04 have been fully considered but they are not persuasive.

Applicant asserts that Schmidt et al. shows a distributive network, not a distribution server. Networks have servers. In this case, server 14 has been clearly shown.

Applicant does not agree with the examiner's assertion that selecting an item after going to a web site is obvious. The examiner sticks to this assertion. For example, if one goes to a toy web site, selecting a toy would be obvious. If one goes to a tire web site, selecting a tire would be obvious. If one goes to a music web site, selecting a CD would be obvious.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Michael Cuff 5/27/04*  
Michael Cuff  
May 27, 2004